

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRIUMPH GLOBAL SECURITIES, LTD.,

Petitioner,

-against-

UMANN FUND MANAGEMENT, LLC,
PAUL UMANSKY, JEFFREY MANN, and
FINANCIAL INDUSTRY REGULATORY
AUTHORITY ("FINRA"),

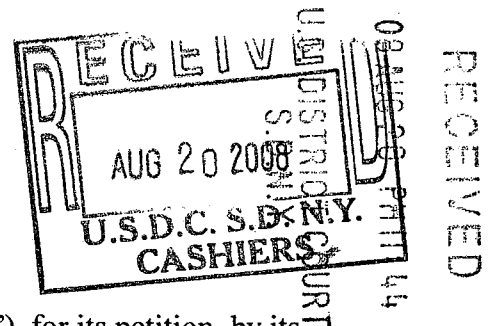
Respondents.

08 CV 7407

ECF CASE

08 CV 7407 (JSR)

PETITION



Petitioner, Triumph Global Securities, Ltd. ("Triumph"), for its petition, by its

undersigned counsel, respectfully alleges as follows:

INTRODUCTION

1. This petition seeks relief pursuant to 9 U.S.C. §§ 9 *et seq.*, regarding an arbitration award rendered by a FINRA Dispute Resolution Arbitration Panel in Triumph's favor dismissing all customer claims asserted against it, but, it is believed inadvertently, not acknowledging or determining Triumph's request for expungement, pursuant to FINRA Rule 2130, of all such customer dispute information from the Central Registration Depository ("CRD") System on the basis that the customers' claims, allegations, and other information in their arbitration statement of claim are false and, additionally, clearly erroneous.

2. Petitioner has previously submitted to the FINRA Dispute Resolution Arbitration Panel a detailed written request for such expungement relief, which is pending, and which Petitioner believes will be determined shortly and this Petition supplemented appropriately. While Petitioner does not believe any limitations period has begun with respect to expungement

relief the arbitration panel did not address, Triumph has filed this Petition at this time as a precaution to ensure no limitations issue is raised regarding any relief appropriate pursuant to 9 U.S.C. § 9 *et seq.*

PARTIES

3. Petitioner Triumph Global Securities, Ltd. (“Triumph”) is a New York corporation, registered Broker/Dealer, and member of FINRA and SIPC, with a principal office at 630 Ninth Avenue, New York, New York 10036.

4. Respondent UMan Fund Management, LLC (“UMann”) is believed by Petitioner to be a Delaware limited liability company, having a principal address at 76 Atkinson Road, Rockville Centre, New York 11570.

5. Respondent Paul Umansky (“Umansky”) is believed by Petitioner to be a New York resident with an address of 76 Atkinson Road, Rockville Centre, New York 11570.

6. Respondent Jeffrey Mann (“Mann”) is believed by Petitioner to be a New York resident with an address of 102-20 67th Drive, Apt. 312, Forest Hills, New York 11375.

7. Respondent Financial Industry Regulatory Authority (“FINRA”) is a self-regulatory organization pursuant to the Securities Exchange Act of 1934, which, among other responsibilities, conducts securities industry arbitrations and which is required, pursuant to FINRA Rule 2130, to be named a party in any judicial proceeding in which a party seeks expungement relief. FINRA has its Dispute Resolution Northeast Regional Office at One Liberty Plaza, 165 Broadway, 27th Floor, New York, New York 10006, where the subject arbitration proceeding was held and the award rendered.

BASIS FOR JURISDICTION

8. Subject matter jurisdiction in this federal court is based on federal question jurisdiction pursuant to 28 U.S.C. § 1331, as this proceeding arises under and seeks relief pursuant to 9 U.S.C. § 9 *et seq.*, of the Federal Arbitration Act.

STATEMENT OF CLAIM

9. Annexed hereto as Exhibit 1 is a true copy of the arbitration award rendered by a FINRA Dispute Resolution Arbitration Panel in Triumph's favor dismissing all customer claims asserted against it by UMan, Umansky and Mann, who are named as respondents in this petition.

10. In light of that award's failure, it is believed to be inadvertently, not to acknowledge or to determine Triumph's request for expungement pursuant to FINRA Rule 2130, of all such customer dispute information from the Central Registration Depository ("CRD") System on the basis that the customers' claims, allegations, and other information in their arbitration statement of claim are false and, additionally, clearly erroneous, Petitioner previously filed, with FINRA Dispute Resolution, Respondent's Request for Expungement, a copy of which (without exhibits) is annexed hereto as Exhibit 2.

11. Petitioner understands from the staff at FINRA Dispute Resolution that Triumph's Request for Expungement has been submitted to the arbitration panel and that a determination by the panel is expected shortly.

12. Depending upon what that determination is, and whether a new, supplemental, modified, or other award or decision by the arbitration panel is rendered, or some other result, Petitioner may need, and may seek by supplemental petition if necessary, appropriate relief,

including but not limited to an order (1) remanding this matter to FINRA Dispute Resolution and/or the specific arbitration panel for clarification of the arbitration award(s), (2) relief correcting, (3) modifying, (4) vacating, and/or (5) confirming the award(s), in whole or in part, and granting any other or further relief just, including but not limited to relief pursuant to 9 U.S.C. §§ 9, 10 and/or 11.

RELIEF REQUESTED

Accordingly, Triumph respectfully requests an order and, to the extent appropriate, a judgment:

A. Granting the relief Triumph believes appropriate (by supplemental petition if necessary) depending upon what determination is made by the arbitration panel with respect to Triumph's pending written request for expungement pursuant to FINRA Rule 2130;

B. Including but not limited to an order and/or judgment (1) remanding this matter to FINRA Dispute Resolution and/or the specific arbitration panel for clarification of the arbitration award(s), (2) relief correcting, (3) modifying, (4) vacating, and/or (5) confirming the award(s), in whole or in part, pursuant to 9 U.S.C. §§ 9, 10 and/or 11; and

C. Such other or further relief in Triumph's favor as this Court deems just.

Dated: New York, New York
August 20, 2008

Respectfully submitted,



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